

PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY

AGENDA



Meeting Date: Tuesday February 6, 2018

Time: 6:00 p.m.

**Location: Council Chambers, 21000 Hacienda Blvd.
California City, CA 93505**

If you need special assistance to participate in this meeting, please contact the Planning Secretary's office at (760) 373-7141. Notification of 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

NOTE: Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda is available for public inspection in the City Clerk's office at City Hall located at 21000 Hacienda Blvd, California City, Ca during normal business hours, except such documents that relate to closed session items or which are otherwise exempt from disclosure under applicable laws. These writings are also available for review in the public access binder in the Council Chambers at the time of the meeting.

LATE COMMUNICATIONS: Following the posting of the agenda any emails, writings or documents that the public would like to submit to the Commission must be received by the Recording Secretary no later than 3:00 p.m. the Monday prior to the meeting. Past that deadline citizens may bring these items directly to the meeting. Please bring 10 copies for distribution to Commission, staff and the public.

****At this time, please take a moment to turn off your cell phones****

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE / INVOCATION

3. ROLL CALL

Commissioners Creighton, Elmes, Hogan, Trumble, Chairman Pope

4. APPROVAL OF AGENDA

5. PUBLIC COMMENTS OF ITEMS NOT ON THE AGENDA

Members of the public are welcome to address the Planning Commission only on those items that are not on the agenda over which the Planning Commission has jurisdiction. Please state your name for the record and limit your comments to three minutes. Each member of the public will be given three minutes to speak.

6. PLANNING SECRETARY REPORTS / LATE COMMUNICATIONS

7. CONSENT CALENDAR

All items on the consent calendar are considered routine and non-controversial and will be approved by one motion if no member of the Commission, staff or public wishes to comment or ask questions. (Public comments to be limited to three minutes) Roll call vote required.

No Items.

8. PUBLIC HEARINGS

8.a PH1 Conditional Use Permit - CUP 17-04 (Raj Milan) : Proposal for a Message Therapy Business located at 9036 California City Blvd., Unit C – PW Director

Recommendation: Conduct the public hearing, take public testimony, and approve Resolution approving CUP 17-04 with Conditions. Roll Call Vote.

8.b PH2 Zoning Text Amendment - ZT 17-03 (Flood Hazards) : Proposal to recommend that the City Council Amend the Flood Hazard Ordinance - PW Director

Recommendation: Conduct the public hearing, take public testimony, and approve recommendation to the City Council to adopt Ordinance Amendments proposed by 17-03. Roll Call Vote

PUBLIC HEARING PROCEDURE

- A. Chairman reads the item
- B. Chairman declares Public Hearing open
- C. Hear Staff Report

- D. Commission questions only
- E. Ask Secretary to report on any communication(s)
- F. Chairman calls for Public Testimony
- G. Close Public Hearing by motion
- H. Commission decision
- I. Commission motion and vote

9. DISCUSSION, PRESENTATIONS & OTHER ACTION ITEMS

10. CONTINUED BUSINESS

11. COMMISSIONER ITEMS AND COMMENTS

This portion of the meeting is reserved for Planning Commissioners to present information, announcements, and items that have come to their attention. Short staff responses may be appropriate. The Planning Commission will take no formal action. A Planning Commissioner member may request to calendar an item for consideration at a future meeting, or refer an item to staff.

Commissioner Creighton
Commissioner Elmes
Commissioner Hogan
Vice Chairman Trumble
Chairman Pope

12. STAFF ANNOUNCEMENTS / REPORTS

13. ADJOURNMENT

AFFIDAVIT OF POSTING: This agenda was posted on all official City bulletin boards, the City's website and agenda packets were completely accessible to the public at City Hall at least 72 hours prior to the Planning Commission Meeting.



**PLANNING COMMISSION
MEETING DATE: FEBRUARY 6, 2018**

PH: 1

TO: Planning Commission

FROM: Public Works Director / Planning Director

MEETING DATE: February 6, 2018

MEETING PLACE: the Council Chambers at City Hall, 21000 Hacienda Boulevard, California City, California, 93505

SUBJECT: **Public Hearing** to consider A Conditional Use Permit, (CUP 17-04), for a message therapy business. The message therapy business is proposed to be located at 9036 California City Blvd., Unit C, California City CA, 93505, (APN 205-021-03). The applicant is Raj Milan

PLANNING COMMISSION ACTION:

The City staff recommends that the Planning Commission approve this Conditional Use Permit subject to the conditions contained within the attached Resolution.

PROJECT DESCRIPTION:

The Applicant is proposing a message therapy parlor at an existing commercial building located at 9036 California City Blvd., Unit C, California City CA, 93505.

APPLICANT: Raj Milan, 19737 99th St., California City, CA 93505

PUBLIC HEARING NOTICES:

Tuesday, February 6, 2018 at 6:00 p.m. – Planning Commission at Council Chambers

The public hearing notice was published in the *Mojave Desert News* on January 12, 2018 and also posted in three public places on or before February 6, 2018. Also, On January 16, 2018 letters announcing the

February 6, 2018 public hearing were mailed to individuals owning property within 300 feet of the project site,



Figure 1- photo of location of proposed Massage Therapy Parlor (CUP 17-04)

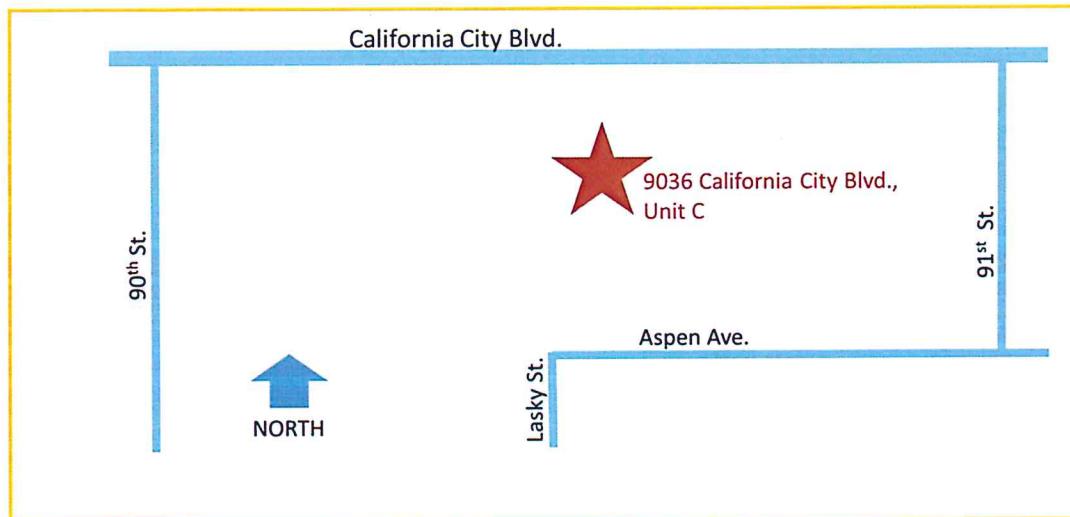


Figure 2 - CUP 17-04 Location Map

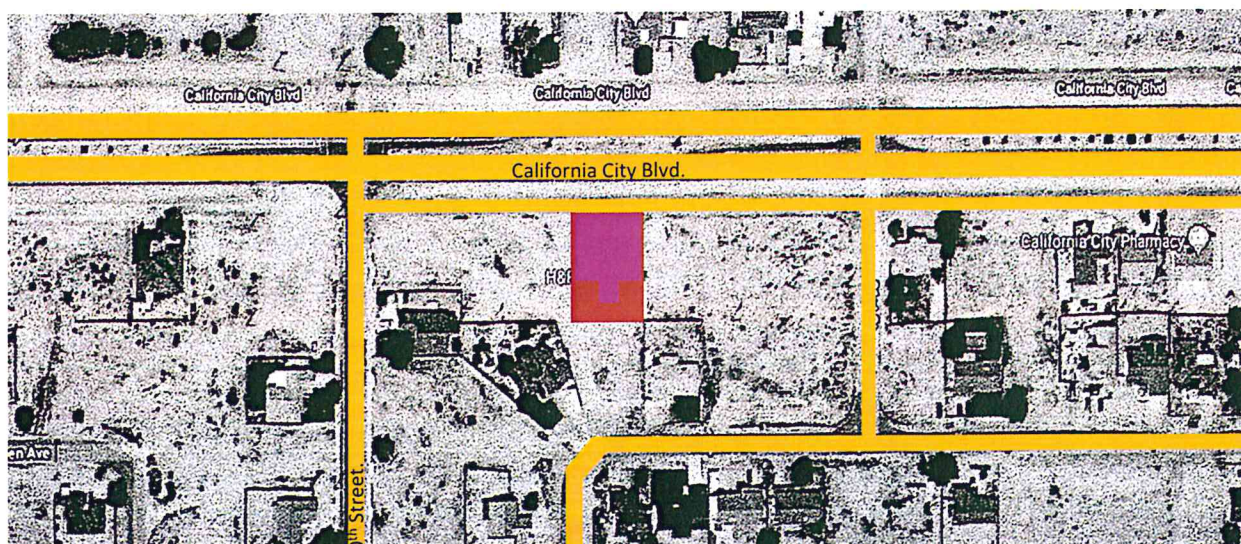


Figure 3 - CUP 17-04 Vicinity Map

BACKGROUND:

The Planning Commission is being requested to approve a massage therapy parlor in an existing commercial building proposed to be located within Suite C at 9036 California City Blvd.

This proposed business is located within the City's C-3, (Commercial/Office Commercial Zone District). A review of the C-3 Zone district will reveal that "massage parlors" are not identified as either *Permitted Uses* or *Conditionally Permitted Uses*. However, The City's Commercial Zone Districts allow *any non-categorized commercial business not listed in any area subject to be considered through a conditional use permit*. Therefore, the applicant has applied for his intended massage therapy parlor under the provisions of the Conditional Use Permit process.

If the Planning Commission approves this proposed CUP, the applicant would be required to submit a Staff Development Review application to the Planning Division as is required from all business transfers.

RECOMMENDATION: Conduct the public hearing, take public testimony, and approve the Resolution Approving CUP 17-04. The decision of the Planning Commission may be appealed to the City Council by the applicant or any other interested party within ten (10) days following the date of a decision of the Commission on a conditional use permit.

SOURCE OF FUNDING: N/A

ENVIRONMENTAL ACTION: This Conditional Use Permit is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 - Existing Facilities, and will not result in any adverse environmental impacts.

ATTACHMENTS:

1. P C RESOLUTION RECOMMENDING APPROVAL OF CUP 17-04

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY APPROVING CONDITIONAL USE PERMIT (CUP-17-04) (Milan)

THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY DOES RESOLVE AS FOLLOWS:

Purpose: The Planning Commission finds, determines and declares:

This resolution approving Conditional Use Permit (CUP 17-04) (Milan) pertains to locating a massage therapy studio at 9036 California City Blvd., Unit C, California City, CA, (APN 205-021-03). Raj Milan, applicant. The property is zoned C-3 Commercial Office. In accordance with Section 9-2.1502. - Conditional Uses for All Commercial Districts: *The Zoning Ordinance allows any non-categorized commercial business not listed in any area subject to be considered through a conditional use permit.*

Findings: The Planning Commission finds, determines and declares:

- The applicant submitted an application for a CUP on December 15, 2017,
- The February 6, public hearing notice was published in the Mojave Desert News on January 4, 2018,
- On January 16, 2018 letters announcing the February 6, 2018 public hearing were mailed to individuals owning property within 300 feet of the project site,
- CUP 17-04 is consistent with the City's General Plan and Zoning regulations,
- CUP 17-04 is Categorically Exempt from CEQA per Section 15301 - Existing Facilities, and will not result in any adverse environmental impacts, and
- As conditioned, CUP 17-04 will promote the welfare of the community.

Conditions of Approval: The Planning Commission of the city of California City does hereby approve CUP 17-04 on behalf of Raj Milan subject to the following conditions:

1. Conditional Use Permit (CUP) 17-04 is valid for a period of twelve (12) months from the date of approval. If the use approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved by the Planning Commission,
2. Conditional Use Permit (CUP) 17-04 shall expire and be of no further force or effect if the massage therapy use is discontinued or abandoned for a period of one (1) year,
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of California City Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City

Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action,

5. Any changes or modifications to Conditional Use Permit (CUP) 17-04 shall be subject to review and approval by the Director of Public Works or designee, with substantial changes or modifications subject to Planning Commission review and approval,
6. Prior to any changes to the days and hours of operation, the applicant shall obtain written approval from the Public Works Director or his/her designee. The following are the specified days and hours of operation: **10:00 am to 10:00 pm 7 days a week,**
7. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris,
8. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies,
9. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up,
10. Prior to the erection of any commercial signs, the applicant shall comply with the rules and regulations governing Section 9-4.302. of the California City Municipal Code,
11. The applicant/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City,

12. The applicant business owner shall maintain a valid City Business License at all times during operation of the business,
13. This Conditional Use Permit may be reviewed at the discretion of the Public Works Director or designee in order to determine if the business is operating in compliance with all required Conditions of Approval.
14. This Conditional Use Permit may be reviewed at the discretion of the Police Department and subject to random inspections in order to determine if the business is operating in compliance with all with all required Conditions of Approval,
15. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot,
16. Lighting in the parking area of the premises shall be directed, positioned and shielded in such a manner so as not to unreasonably illuminate the window area of nearby businesses,
17. The applicant shall not use any locking mechanisms on any interior door that would impede inspection to massage treatment rooms, including but not limited to a locking mechanism on any treatment room door, unless there is no person on staff who is available to assure the security for clients and massage staff that are behind closed doors. For the purpose of this Chapter, a staff member is available to assure the security of clients and massage staff when the massage establishment employs a receptionist or other person who is stationed in a public location outside of the massage treatment rooms,
18. At all times the massage establishment is open for business, it shall have on duty and on the premises at least one certified massage technician and one manager,
19. Prior to occupancy at the proposed project site located at 9036 California City Blvd., Unit C, California City, CA, the applicant shall receive an Approved SDR, (Staff Development Review (Business – Existing Bldg.) issued by the California City Planning Division, and
20. At all times the massage establishment is open for business, it shall have on duty and on the premises at least one certified massage technician and one manager.

This resolution was adopted at the Planning Commission meeting of _____, 2018 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Samuel A.L. Pope Sr. Chair

APPROVED AS TO FORM:

Christian Bettenhausen, City Attorney

ATTEST:

Anu Doravari, Planning Technician



**PLANNING COMMISSION
MEETING DATE: FEBRUARY 6, 2018**

PH: 2

TO: Planning Commission

FROM: City Manager/Planning Director

RE: ZT 17-03: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING SECTION 9-2.2406 (FLOOD HAZARD), OF ARTICLE 24 (OVERLAY ZONES), IN CHAPTER 2 (ZONING) OF TITLE 9 (LAND USE AND DEVELOPMENT) OF THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO FLOOD HAZARD

SUBJECT: Public Hearing to consider Zoning Text Amendment (ZT 17-03), to consider a proposed ordinance to permit Septic Tanks in Flood Plains subject to a Development Permit approved by the City of California City.

APPLICANT: The City of California City.

PUBLIC HEARING:

Tuesday, February 6, 2018 at 6:00 p.m. – Planning Commission at Council Chambers

The public hearing notice was published in the *Mojave Desert News* no later than January 26, 2018 and also posted in three public places on or before February 6, 2018.

BACKGROUND:

The Planning Commission is being requested to consider recommending that the City Council amend the Zoning Ordinance by permitting septic tanks within flood hazard zones provided a Development Permit be obtained. If adopted the ordinance would:

1. Permit Septic Tanks within Flood Hazard Zones subject to a Development Permit from the City of California City, provided that,
2. The Development Permit comply with Chapter 11 "Flood Damage Prevention" of the California City Municipal Code.

This amendment is being proposed because the staff believes that it will offer developers more flexibility without creating any adverse effects to development projects.

RECOMMENDATION: Conduct the public hearing, take public testimony, and approve the Resolution Approving ZT 17-03.

SOURCE OF FUNDING: N/A

ENVIRONMENTAL ACTION: This Zoning Text Amendment is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, **Class 8** consisting of actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. ([Guidelines §15308](#))

ATTACHMENTS:

2. **RESOLUTION RECOMMENDING APPROVAL OF ZT 17-03**
3. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING SECTION 9-2.2406 (FLOOD HAZARD), OF ARTICLE 24 (OVERLAY ZONES), IN CHAPTER 2 (ZONING) OF TITLE 9 (LAND USE AND DEVELOPMENT) OF THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO FLOOD HAZARD**

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY RECOMMENDING THE CITY COUNCIL AMEND SECTION 9-2.2406 (FLOOD HAZARD), OF ARTICLE 24 (OVERLAY ZONES), IN CHAPTER 2 (ZONING) OF TITLE 9 (LAND USE AND DEVELOPMENT) OF THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO FLOOD HAZARD

THE PLANNING COMMISSION OF THE CITY OF CALIFORNIA CITY DOES RESOLVE AS FOLLOWS:

1. Findings and Purpose. The Planning Commission finds, determines and declares:

Section 9-2.2406 (Flood Hazard) of Article 24 (Overlay Zones), in Chapter 2 (Zoning), of Title 9 (Land Use and Development) is hereby amended as follows:

Sec. 9-2.2406. Flood Hazard.

- (a) A Development Permit shall be issued per Section 8-11.05 "Development Permits" of the California City Municipal Code, Chapter 11 (Flood Damage Prevention).

- (b) The Development Permit shall comply with Chapter 11 "Flood Damage Prevention" of the California City Municipal Code.

2. The General Plan. The proposed revisions to the zoning requirements remain consistent with the general plan.

4. The Planning Commission has recommended adopting this ordinance only after conducting a duly noticed public hearing.
5. This zoning code amendment will promote the welfare of the community.
1. **Recommended Municipal Code Amendment.** The Commission recommends that the City Council adopt an ordinance substantially similar to draft ordinance attached hereto as Exhibit A.
2. **CEQA.** The action of the Planning Commission to recommend adoption of this ordinance is categorically exempt from the California Environmental Quality Act under CEQA Guidelines This Zoning Text Amendment is determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305, **Class 8** consisting of actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. ([Guidelines §15308](#))

This resolution was adopted at the Planning Commission meeting of _____, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Samuel A.L. Pope Sr. Chair

APPROVED AS TO FORM:

Christian Bettenhausen, City Attorney

ATTEST:

Anu Doravari, Planning Technician

[SEAL]

Exhibit A
ORDINANCE NO. 18-_____

ORDINANCE NO. 18-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING SECTION 9-2.2406 (FLOOD HAZARD), OF ARTICLE 24 (OVERLAY ZONES), IN CHAPTER 2 (ZONING) IN TITLE 9 (LAND USE AND DEVELOPMENT) OF THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO FLOOD HAZARD

WHEREAS, the City of California City has the authority, under its police power, to enact regulations for the public peace, morals, and welfare of the City; and

WHEREAS, the City of California City would like to amend the code to clarify Section 9-2.2406 in Title 9 is consistent with Chapter 11(Flood Damage Prevention) in Title 8 (Building Regulations) with respect to Flood Hazard; and

WHEREAS, all legal prerequisites prior to the adoption of this ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY DOES ORDINAN AS FOLLOWS:

SECTION 1: Section 9-2.2406 (Flood Hazard) of Article 24 (Overlay Zones), in Chapter 2 (Zoning), of Title 9 (Land Use and Development) is hereby amended as follows:

Sec. 9-2.2406. Flood Hazard.

- (c) A Development Permit shall be issued per Section 8-11.05 "Development Permits" of the California City Municipal Code, Chapter 11 (Flood Damage Prevention).
- (d) The Development Permit shall comply with Chapter 11 "Flood Damage Prevention" of the California City Municipal Code.

SECTION 3: Repeal of Inconsistent Sections. Any provision of the California City Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance,

to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4: Environmental Review. The Council finds that adoption of this ordinance is not a "project" pursuant to California Public Resources Code Section 21065 because this ordinance merely clarifies there is no conflict between Section 9-2.2406 (Flood Hazard) of Chapter 2 (Zoning), in Title 9 (Land Use and Development) and Chapter 11 (Food Damage Prevention) in Title 8 (Building and Regulations), it will not have any significant effect on the environment, and there is no reasonable basis to conclude that this ordinance may cause a significant effect on the environment, thus no environmental review under the California Environmental Quality Act is required.

SECTION 5: Severability. If any section, subsection, clause or phrase or portion of this ordinance is for any reason held to be invalid by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this ordinance. The City Council of California City hereby declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause and phrase or portion thereof, even though any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 6: Attestation. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

Approved for introduction at a regular meeting on the _____ day of _____, 2018, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

PASSED, APPROVED AND ADOPTED on _____, 2018, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

Jennifer Wood, Mayor

APPROVED AS TO FORM:

ATTEST:

Denise Hilliker
Attorney
City Clerk

Christian L. Bettenhausen, City